

## **Exhibit E**

### **Payne Declaration**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ARTHUR L. LEWIS, JR., et al.,  
Plaintiffs,

v.

CITY OF CHICAGO,  
Defendant.

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Case No. 1:98-cv-5596

Judge: Hon. Joan B. Gottschall

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**DECLARATION OF DARRELL PAYNE**

I, Darrell Payne, declare as follows:

1. I am over the age of 18, competent to testify, and a member of the shortfall group hired pursuant to this Court's August 17, 2011, Injunctive Order in this matter.
2. I was hired by the Chicago Fire Department on March 16, 2012, as part of the shortfall group of 111 class members identified in the Lewis litigation against the City of Chicago for discriminatory practices related to the 1995 Fire Department Entry Examination.
3. I have personal knowledge of the facts stated in this declaration.
4. I participated in the 2016 Fire Engineer promotional examination, announced September 16, 2016, and administered November 14, 2016. The final eligibility list was released in August 2018.
5. My seniority points were reduced by 13.1712 points from the maximum 30 points available, negatively affecting my final ranking by more than 250 positions on the eligibility list.
6. I also participated in the 2019 Fire Lieutenant promotional examination, announced September 20, 2019, and administered December 15, 2019. My seniority points were reduced by 1.895833 points, negatively affecting my ranking by approximately 36 positions.
7. The time-in-grade exception to the retroactive seniority provision in the Court's Injunctive Order has created unforeseen consequences that systematically disadvantaged shortfall group members in promotional opportunities.

8. I have lost the following promotional opportunities due to the City's racial discrimination on the 1995 CFD Entry exam and the limitations on seniority points for promotional examinations:

- a. 2001 Engineer Exam
- b. 2007 Engineer Exam
- c. 2009 Fire Lieutenant Exam
- d. 2017 Captain Exam
- e. 2019 Battalion Chief Exam
- f. 2022 Captain Exam
- g. 2022 Battalion Chief Exam

9. I am aware that Rodney Shelton, another shortfall group member, contacted the law firm of Hughes, Socol, Piers, Resnick, and Dym in February 2019 to request representation for these issues.

10. Attorney Matthew Piers responded on March 4, 2019, stating: "We are not in a position to provide you with assistance in this matter, and if you wish to pursue it, you should retain other counsel."

11. I believe appointment of new class counsel is necessary to protect the interests of the shortfall group regarding these promotion-related issues.

12. I request that Attorneys Chiquita Hall-Jackson, S. Todd Yeary, Kevin Mahoney, and Rodney Diggs be appointed as substitute class counsel for the shortfall group pursuant to Federal Rule of Civil Procedure 23(g) for the limited purpose of addressing the unforeseen consequences of the time-in-grade exception to retroactive seniority in the Court's Injunctive Order.

I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

*Darrell Payne*

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Lt. Darrell Payne

5/2/2025

Date